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August 4, 2020

VIA ECF

Hon. Alison J. Nathan
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: Benthos Master Fund, Ltd. v. Etra, No. 20-cv-3384

Dear Judge Nathan:

This firm represents petitioner Benthos in connection with the above (unopposed) application to confirm an arbitration award in the amount of \$5,254,561.12. In accordance with Your Honor's Rule 3(H), we write to alert the Court that 90 days have passed since the application became fully briefed.

Because (among other reasons) the arbitrator found that respondent (a licensed New York attorney) had engaged in "shocking" conduct that was "unworthy of an attorney acting as an escrow Agent," acted with "disloyalty," "showed reckless disregard of [petitioner's] rights," and "released [petitioner's escrowed] funds while engaging in willful misconduct" (Dkt. 1, Ex. A, Section VIII, paras. 70-72, 77); and because the late judge Deborah Batts found in this matter that respondent, "an officer of the court . . . [has] ignored court orders" and "will be subject to being incarcerated (Case No. 1:18-cv-09401, Dkt. 16-1 at 8, 19), petitioner has a well-founded fear that respondent may be engaged in hiding assets or otherwise seeking to frustrate judgment enforcement.

Accordingly, with due regard for this Court's docket and the exigencies imposed by the current public health emergency, petitioner respectfully requests that the Court grant the petition at the earliest possible opportunity so that petitioner may convert its arbitration award into a judgment and proceed to enforce it.

Respectfully yours,

Steven R. Popofsky
Steven R. Popofsky

cc: Aaron Etra (via e-mail)